

MAXIMILIEN D. FETAZ, ESQ.
Nevada Bar No. 12737
mfetaz@bhfs.com
MALIQ I. KENDRICKS, ESQ.
Nevada Bar No. 15254
mkendricks@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Attorneys for Defendant Broan-Nutone, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STATE FARM INSURANCE COMPANY,
an Illinois corporation,

Plaintiff,

v.

BROAN-NUTONE, LLC, a Delaware limited
liability company; and DOES 1 through 75,
inclusive,

Defendants.

Case No.: 2:23-cv-00690-ART-BNW

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINES
(THIRD REQUEST)**

Defendant Broan-NuTone, LLC (“*Defendant*”) and Plaintiff State Farm Insurance Company (“*Plaintiff*” together with Defendant, the “*Parties*”), by and through their undersigned counsel of record, hereby stipulate and agree, contingent on this Court’s approval, as follows:

I. PROCEDURAL POSTURE.

1. On July 11, 2023, the Court granted the Parties’ Joint Discovery Plan and Scheduling Order (“*Scheduling Order*”).

2. On December 19, 2023, the Court granted the Parties’ stipulation to extend the deadlines outlined in the Scheduling Order (“*First Order Extending Deadlines*”).

3. On March 14, 2024, the Court granted the Parties’ stipulation to extend the deadlines outlined in the First Order Extending Deadlines (“*Second Order Extending Deadlines*”).

1 4. Pursuant to the Second Order Extending Deadlines, the deadline for the Parties to
2 complete (i) their initial expert disclosures was May 17, 2024, (ii) their rebuttal expert disclosures
3 was July 17, 2024, and (iii) all expert related discovery is August 16, 2024.

4 5. Pursuant to LR 26-6, the Parties hereby respectfully request that the expert related
5 deadlines, dispositive motions deadline, and pretrial order deadline all be extended for 60 days, for
6 the reasons outlined below.

7 **II. DISCOVERY COMPLETED.**

8 6. On September 7, 2023, Plaintiff served its first set of Requests for Production of
9 Documents and Interrogatories (“*Plaintiff’s First Set of Written Discovery*”).

10 7. Defendant responded to Plaintiff’s First Set of Written Discovery on October 10,
11 2023.

12 8. On November 17, 2023, Defendant served its first set of Requests for Production of
13 Documents and Interrogatories (“*Defendant’s First Set of Written Discovery*”).

14 9. Plaintiff responded to Defendant’s First Set of Written Discovery on December 19,
15 2023.

16 10. On January 16, 2024, Defendant served its second set of Requests for Production of
17 Documents and Interrogatories (“*Defendant’s Second Set of Written Discovery*”).

18 11. On January 30, 2024, Defendant took the deposition of Plaintiff’s insured, Cesar
19 Hostia.

20 12. Plaintiff responded to Defendant’s Second Set of Written Discovery on February
21 13, 2024.

22 13. On February 26, 2024, Defendant served a Subpoena Duces Tecum (“*Subpoena*”)
23 on Sunrun Installation Services, Inc (“*Sunrun*”).

24 14. On April 12, 2024, Defendant served its Fourth Supplemental Disclosure Statement
25 Pursuant to FRCP 26.1(a)(1), which included the documents Sunrun produced in response to the
26 Subpoena.

15. On May 17, 2024, Plaintiff and Defendant served their respective initial expert disclosures. Defendant also served its Fifth Supplemental Disclosure Statement Pursuant to FRCP 26.1(a)(1).

16. On June 25, 2024, Defendant served its Sixth Supplemental Disclosure Statement Pursuant to FRCP 26.1(a)(1).

17. On July 17, 2024, Defendant served its rebuttal expert disclosure. Defendant also served its Seventh Supplemental Disclosure Statement Pursuant to FRCP 26.1(a)(1)

III. REMAINING DISCOVERY.

18. The remaining discovery in this action includes the depositions of Plaintiff's non-retained experts.

IV. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED TO DATE.

19. The Parties have worked diligently through the course of litigation to conduct discovery and prepare this action for trial. Indeed, the parties have worked cooperatively to meet the ordered deadlines. Currently, the parties have been working to schedule the depositions of Plaintiff's non-retained experts, who are claim specialists employed by Plaintiff. In light of their work schedules, it has been difficult to schedule those depositions in the 30 days since the deadline passed for rebuttal expert disclosures. However, the parties anticipate being able to schedule those depositions in the next 60 days.

20. Further, the parties have also been engaged in active settlement discussions since holding their settlement conference last June.

21. Pursuant to the Scheduling Order, the deadline for the Parties to complete expert discovery is August 16, 2024.

V. DATES REQUESTED FOR CONTINUED DISCOVERY.

22. The Parties stipulate and agree, subject to this Court's approval, to extend the deadlines as follows:

<u>CURRENT DEADLINE</u>	<u>REQUESTED DEADLINE</u>
Fact Discovery: February 16, 2024	N/A

<u>CURRENT DEADLINE</u>	<u>REQUESTED DEADLINE</u>
Motions to Amend the Pleadings or to Add Parties: March 18, 2024	N/A
Initial Expert Disclosures: March 18, 2024	N/A
Rebuttal Expert Disclosures: April 16, 2024	N/A
Expert Discovery: August 16, 2024	October 15, 2024
Dispositive Motions: September 16, 2024	November 15, 2024
Pretrial Order: October 21, 2024	December 20, 2024

23. This is the third request for an extension of the deadlines.

24. This stipulation is made in good faith and is not made in an attempt to delay proceedings.

IT IS SO STIPULATED.

DATED this 15th day of August, 2024.

DATED this 15th day of August, 2024.

/s/ Maximilien D. Fetaz
 Maximilien D. Fetaz, Esq.
 Maliq I. Kendricks, Esq.
 BROWNSTEIN HYATT FARBER
 SCHRECK, LLP
 100 North City Parkway, Suite 1600
 Las Vegas, NV 89106-4614

/s/ Gilbert S. Hernandez
 Gilbert S. Hernandez, Esq.
 COZEN O'CONNOR
 500 North Rainbow Blvd, Suite 300
 Las Vegas, NV 89107

*Attorneys for Defendant
 Broan-NuTone, LLC*

*Attorneys for Plaintiff
 State Farm Insurance Company*

IT IS SO ORDERED

DATED: 10:27 am, August 16, 2024

**BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE**